United Nations A/AC.96/SR.708

General Assembly

Distr.: General
7 December 2017
English
Original: French

Executive Committee of the Programme of the United Nations High Commissioner for Refugees
Sixty-eighth session

Summary record of the 708th meeting
Held at the Palais des Nations, Geneva, on Thursday, 5 October 2017, at 3 p.m.

Chairperson: Ms. McCarney ..... (Canada)

Contents

Consideration of reports on the work of the Standing Committee

(a) International protection (*continued*)

(b) Programme budgets, management, financial control and administrative oversight

Consideration of reports relating to programme and administrative oversight and evaluation

Consideration and adoption of the biennial programme budget 2018–2019

Review of the annual consultations with non-governmental organizations

Other statements

This record is subject to correction.

Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They *should be sent within one week of the date of* the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.17-17696 (E) 061217 071217

1717696

Please recycle

The meeting was called to order at 3.05 p.m.

Consideration of reports on the work of the Standing Committee

(a) International protection (*continued*)

1. **Mr. Farah** (Somalia) said that his country was facing a new phenomenon, namely the deportation of rejected Somali asylum seekers by European countries and the United States of America. That trend was especially worrying because it was the result of bilateral decisions over which Somalia had no control and because even persons who had been granted asylum were on occasion returned. The Somali authorities were very often unaware whether returned nationals had exhausted all remedies in the host country. The difficulty was that Somalia did not have the facilities to ensure the reintegration of long-term emigrants. Furthermore, it was an additional burden for Somalia, where a quarter of the population was internally displaced.

2. **Mr. Fatty** (Observer for the Gambia), endorsing the statement made on behalf of the African Union, said that his country had a clear position on the issue of statelessness and that it had undertaken to eradicate it by 2020, in other words four years ahead the target set by the Office of the United Nations High Commissioner for Refugees (UNHCR). The Gambia supported all the steps taken to protect the Rohingya population, who were under a real threat of extinction, and called on Myanmar to assume its international protection obligations. The Gambia had decided to reform its laws in order to simplify procedures for the resettlement of refugees and to make it easier for refugees to acquire citizenship. There were no refugee camps in the Gambia because refugees lived in host communities. UNHCR cooperated with the Ministry of Foreign Affairs of the Gambia with a view to establishing expeditious registration procedures for refugees.

3. **Mr. Matangala** (Mozambique) said that he welcomed the fact that, in 2016, 60,800 stateless persons had gained nationality, which reflected the positive impact of the UNHCR "#IBelong" campaign. Wars, conflicts and persecution had forced people to flee their homes in numbers that surpassed those seen during the Second World War. Undeniably, it was the breakdown of the rule of law that triggered and fuelled violent conflicts. The eruption or reigniting of conflicts in Africa, the Middle East, Asia and Europe were such that, as they fled, some victims suffered at the hands of unscrupulous human traffickers or were subjected to sexual violence, exploitation or slavery. The situation of refugees fleeing by boat was aggravated by the absence of a legal framework for international protection at sea. Furthermore, refugees faced coercive measures at some transit and destination points. Many of the causes of population displacements were systemic and could not be addressed in a piecemeal manner. The international community should develop more comprehensive approaches to the handling of refugee and migration movements and seek strong cooperation, solidarity and burden sharing, especially at the regional level. Mozambique considered that it was important, pending the planned adoption in 2018 by the General Assembly of the future global compact on refugees, to redouble efforts to provide opportunities for the safe and legal movement of populations, both migrants and refugees, so as to ensure that they enjoyed the right to family reunion and education, among other things. A tripartite agreement between UNHCR, Mozambique and Malawi, which would soon be signed, would allow Mozambican refugees in Malawi to return home in an orderly, safe and dignified manner.

4. **Mr. Totura** (Belarus) said that he broadly shared the views expressed by Mr. Türk in his address on international protection but he noted that the latter had made no mention of the worrying issue of the increasing number of cases of trafficking among migrants and refugees. It was a very dangerous development which had, in particular, been identified by the Security Council in its historic resolution of December 2016 on human trafficking in the context of armed conflict, in which it had called on Member States to conduct investigations and to prosecute and ensure the accountability of those who engaged in trafficking. Human trafficking should be a core element of the future global compact on refugees.

5. **Ms. Nelson-Pollard** (Observer for the Norwegian Refugee Council), speaking on behalf of a coalition of non-governmental organizations, said that many of the new

measures taken in the area of migration still did not fully address the structural issues faced by refugees. There were a number of key concerns. First, there was need to define a predictable and equitable mechanism to ensure respect for the right to seek asylum. At the same time, States should uphold their obligations under international humanitarian law, refugee law and human rights law; they should cease placing civilians under siege, preventing humanitarian access and blocking civilians from moving to safety. Steps should also be taken to protect women and girls from sexual violence in detention centres and camps. The 31.1 million internally displaced persons must again be placed at the centre of concerns and their protection needs addressed. All States should support the UNHCR "#IBelong" campaign to end statelessness by 2024 and therefore identify stateless persons in their territory. The indiscriminate violence against stateless Rohingya in Myanmar was a matter of deep concern and should cease immediately. States and humanitarian actors should strengthen their efforts to protect and assist the 9.8 million displaced persons with disabilities. States should also set up adequate protection mechanisms to identify torture victims among displaced populations and refugees and provide them with appropriate rehabilitation services and implement safeguards against retraumatization. Noting that increased pressure was being brought to bear on refugees to return home and that in some cases asylum seekers were returned without being provided with access to refugee status determination procedures, she said that non-refoulement — a core principle of international refugee protection — must be respected at all times.

6. **Mr. Türk** (Assistant High Commissioner for Protection) noted that many speakers had highlighted the importance of the international protection regime established under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. Several NGOs had emphasized customary international law, under which non-refoulement was a non-derogable principle, and the importance of an effective and functional asylum system. Several countries had indicated that asylum systems should be based on updated information on the risk factors faced by refugees who were returned to their countries. Regarding the situation of the Rohingya, UNHCR shared the views expressed by several delegations and considered that the international community should uphold its responsibilities and provide those persons with international protection. The Government of Myanmar had undertaken to implement the recommendations contained in the report of the Advisory Commission for Rakhine State. For its part, UNHCR hoped to provide its specific expertise in handling refugees and its assistance to the Government of Myanmar in order to ensure that the Commission's recommendations were acted upon. Several delegations had referred to the problem of trafficking in the context of migratory movements, an issue which was at the heart of UNHCR's concerns and arose in all humanitarian operations. It was important to distinguish clearly between traffickers and victims, who were too often criminalized. Generally speaking, UNHCR was of the view that there was no legal justification for detaining asylum seekers, except in an extremely limited number of cases, since doing so amounted to criminalizing people who were fleeing persecution and conflicts and seeking refuge abroad. Alternatives to the deprivation of liberty had to be found.

(b) Programme budgets, management, financial control and administrative oversight

7. **Ms. Clements** (Deputy High Commissioner) said that, in order to adapt to the process of change under way in the management of refugees, UNHCR had initiated reforms aimed at strengthening oversight, improving the human resources system and professionalizing the evaluation service. The reforms concerned in particular UNHCR oversight bodies: the Internal Compliance and Accountability Committee had been dissolved and its functions had been absorbed by the Senior Management Committee. She wished to provide an update on the situation in the Kakuma camp. Of the five UNHCR staff members who had been the subject of allegations, one had been dismissed, two had resigned and disciplinary proceedings had been instituted against the other two staff members; three of the employees had been referred to the Kenyan police. UNHCR had launched a review of its operation in Kakuma and had commissioned an independent management review of its operation in Kenya. In addition, a unit focusing on risk management, compliance and quality assurance had been created in the UNHCR regional

office in Nairobi. In collaboration with various stakeholders, in particular refugees themselves, significant efforts were under way to better prevent fraud and corruption and to address, to the extent possible, their root causes and to improve the response to allegations of misconduct. The professionalization of the evaluation service, together with changes to oversight mechanisms, should contribute to greater transparency and improved oversight of operations.

8. In order to attract and retain a talented workforce and ensure that the right people were in the right places, UNHCR had also overhauled its recruitment policy. It had emphasized inclusion and diversity, which had led to an increase in the proportion of female staff members at senior levels. It was pursuing its efforts to maintain that positive trend, thanks in particular to use of data on gender and geographic diversity. Those reforms were part of an independent, global review of the structure and operation of UNHCR headquarters that was aimed at improving its capacity to adapt and innovate. She welcomed the fact that, in their audit report, the Board of Auditors had issued an unqualified audit opinion, although it had noted a significant funding gap and a high level of earmarked contributions. It had formulated 17 recommendations, which UNHCR was committed to addressing. The report of the Office of Internal Oversight Services, which had been prepared on the basis of 34 audits, contained 161 recommendations, of which 8 were critical. The biennial programme budget had been approved by the Advisory Committee on Administrative and Budgetary Questions. As the full budgetary impact of the reforms undertaken had not been known when the budget had been finalized, it would be reviewed prior to the beginning of 2018. The growth of the budget in recent years reflected increasing displacement worldwide. In the absence of political solutions to conflicts, needs would continue to grow; however, UNHCR was committed to enhancing efficiency, in particular in the context of the Grand Bargain. It was also undertaking a prioritization process and seeking new sources of funding, in particular in the private sector, where fundraising had reached US$ 400 million in the current year.

9. **Mr. Winder** (United Kingdom) said that the United Kingdom welcomed the recommendations made and encouraged UNHCR to implement them in a timely fashion. It was important that staff members and partner organizations should be able to identify fraud and know who to approach in such cases. Downstream partners should know what UNHCR expected of them and should be held to account. UNHCR management should consider establishing overall risk registers and communicate regularly with staff on risk. Training and capacity-building were crucial in meeting those objectives.

10. **Mr. Christensen** (Norway) said that he welcomed the measures taken to find new sources of funding. It was important to increase the proportion of unearmarked contributions, to that end, visibility and transparency should be strengthened. For its part, Norway had reached the target of around 30 per cent unearmarked funding. It commended UNHCR on the progress made with regard to cost savings and efficiency gains, in particular thanks to the increased use of cash assistance. It would welcome information in that regard broken down geographically.

11. **Ms. Mackenzie** (Canada) congratulated UNHCR on the reforms undertaken and thanked it for providing updates on the implementation of the recommendations made. She said that Canada appreciated the progress made in implementing commitments under the Grand Bargain and encouraged UNHCR to engage more closely with local partners, in particular women's organizations. UNHCR should also establish multi-year and multi-partner programmes with a view to strengthening links between humanitarian actors and development actors and to improving the effectiveness of programmes. Greater collaboration with the private sector should also be developed. Canada encouraged UNHCR to continue developing a more flexible results-based framework and to set a date by which all of its operational plans and annual reports would contain data disaggregated by sex and age. Lastly, UNHCR should enhance the transparency of resource allocation and provide periodic updates on how it prioritized needs.

12. **Mr. Sugaya** (Japan) said that he would like to express his Government's concern about the funding gap. He commended UNHCR on seeking other sources of funding, mobilizing the private sector and working in partnership with other actors. UNHCR should enhance transparency in the use of unearmarked funding and implement commitments

made under the Grand Bargain. Japan had already contributed approximately US$ 150 million to UNHCR as at the end of September, while the contribution of the Japanese private sector amounted to around US$ 16.8 million as at the end of July.

13. **Ms. Clements** (Deputy High Commissioner) said that risk management was a key issue for UNHCR senior management and that all staff were committed to making progress in that area. Regarding transparency, UNHCR had already provided tailored reports to delegations that contributed unearmarked funding and planned to prepare a more general report. With regard to room for financial improvement, it was too early to assess the cost savings made thanks to the Grand Bargain, but the outposting of administrative services to Budapest and Copenhagen had already made it possible to save US$ 43 million. Lastly, UNHCR, like the United Nations, was undertaking a reform of its working methods and would keep members of the Executive Committee duly informed in that regard.

14. **Ms. Farkas** (Inspector General) said that over the previous 12 months the Inspector General's Office had implemented many of the recommendations made by the consultant concerning the rationalization of oversight functions in UNHCR. The internal audit services had been transferred to the Inspector General's Office, which had made it possible to simplify processes and to specify roles and responsibilities. Cooperation between the Office of Internal Oversight Services, the Inspector General's Office and the Division of International Protection had been strengthened. The first phase of the general review of control processes and risk management should be completed by the end of the year. Lastly, a new strategic oversight service had been established on 1 August within the Inspector General's Office. It was expected to be fully operational in the course of 2018. The Inspector General's Office monitored implementation of the recommendations made by the former Inspection Service, which had closed on 31 July. As part of its investigation functions, it had received over 2,100 complaints during the reporting period. Complaints relating to protection and assistance concerns (approximately 70 per cent of the total) had been referred to regional bureaux. Some 500 complaints related to misconduct had been registered, and 100 investigations had been opened. Allegations of misconduct were increasing, which might be due to the awareness-raising activities that had been carried out in 2016. The Investigation Service's performance indicators had been negatively affected in 2017 by several complex investigations into fraud committed by partners (two in Africa and one in the Middle East) and by UNHCR personnel in a country in Africa. In view of the current increased workload, three temporary investigators had been recruited to assist the nine permanent investigators. The professionalization and regionalization of the Service was ongoing; it had already improved the quality of the investigations undertaken. Allegations concerning sexual exploitation and abuse were prioritized. As a result of the increase in the number and complexity of investigations, the needs of the Inspector General's Office were growing. UNHCR sought the financial support of countries and also urged them to ensure that cases involving possible criminal conduct were properly acted upon. Lastly, while ensuring the need for confidentiality, the Inspector General's Office recognized the importance of sharing information with key stakeholders and keeping Member States informed.

15. **Mr. Winder** (United Kingdom) said that the Inspector General's Office should carry out its investigations as transparently as possible, keep donors informed of the progress of those investigations and make reports available. It was important that the Office should continue to be supported by management and provided with the necessary budget to fulfil its mandate.

16. **Ms. Gaertner** (United States of America) said that 80 per cent of the deficiencies identified by the Board of Auditors were due to poor management, lack of internal controls and insufficient monitoring. Given that UNHCR relied heavily on implementing partners and contractors, it was important that it should act upon the recommendations made regarding management, oversight and transparency. To that end, there was a need to distribute existing resources better and to review procedures for procurement, warehouse management and logistics procedures in order to improve efficiency and prevent fraud. In addition, UNHCR should embed its risk assessment policy in all of its operations and incorporate best practices on risk management in current and future programmes. Furthermore, it would be helpful if it shared its experience in the area of cash-based

assistance with other United Nations agencies using the same approach. In that regard, attention should be given to refining disbursement methods for the use of one-off and monthly cash assistance to ensure that funds were used as intended. Lastly, strategic planning should be based on socioeconomic baselines and market assessments, and UNHCR should share lessons learned with the International Labour Organization and the United Nations Development Programme.

17. **Ms. Nordhund** (Sweden) said that Sweden had always been in favour of the professionalization and expansion of the Inspector General's Office. It was important to continue to work in that direction and to maintain the Office's enhanced capacity and resources.

18. **Ms. Farkas** (Inspector General) said that the Inspector General's Office had been looking at how to improve collaboration with a number of oversight entities, which would make it possible to analyse available information and help improve risk management. Regarding investigations, it was the case that the professionalization of the Office had been successful but it had also led to an increase in the number of allegations brought to its attention. Consequently, investigations would continue to be a primary focus but henceforth greater importance would be attached to prevention. Lastly, the publication of investigation reports was a sensitive issue because various actors, such as local police, national authorities and implementing partners, were often involved. The Office would continue to address that matter.

Report on evaluation (A/AC.96/1172)

19. **Ms. Shroff** (Head of the Evaluation Service), emphasizing the importance of evaluation, transparency and independence, said that she wished to present the work carried out by the Evaluation Service since the adoption of the new evaluation policy. The work was being undertaken over a five-year period and was based on four pillars. The first pillar focused on enhancing the coverage and quality of evaluations by introducing an annual planning approach and improving the methods used. The second pillar focused on improving the utilization and dissemination of evaluations to ensure that they served not only the organization but also the general public, partners and other stakeholders. The third pillar focused on building capacity with a view to ensuring better use of data. The Service team now consisted of three staff members recruited from within UNHCR and five members recruited from outside, which made it possible to combine expertise. Lastly, it was important to maintain the integrity of the Service as an independent body that provided objective information on the impact, achievements and effectiveness of UNHCR. From that perspective, the evaluation function should be linked to oversight, data and management functions.

Consideration and adoption of the biennial programme budget 2018–2019 (A/AC.96/1169 and Add.1)

20. **Ms. Finerty** (United States of America), referring to the 2017 budget and the budget for 2018–2019, said that the United States was UNHCR's largest donor, having contributed nearly US$ 1 billion in 2017. The organization's budget was the highest ever, reflecting the extraordinary humanitarian needs of forcibly displaced people all over the world. However, funds were still insufficient to fill the growing gap between needs and available resources, and increased contributions from Member States, donors and other humanitarian agencies were required. Furthermore, UNHCR should continue to place people at the heart of its activities and to work to that end with a broad array of partners. Budgeting should take into account factors such as age, gender, diversity, needs and vulnerabilities. In that connection, she would like to know how refugee voices were reflected in the reprioritization process and in any feedback provided to them. The United States welcomed the fact that UNHCR was working on strengthening its internal capacity and taking action to invest in its workforce and to make its systems more efficient and agile. In order to implement the comprehensive refugee response framework, engaging multisectoral partners and other non-traditional partners was critical in addressing emergencies from their onset. When making budgeting and programming decisions, UNHCR must be absolutely transparent

with its partners, States and populations in order to build a climate of trust and to increase funding, in particular unearmarked funds.

21. **Mr. Fakher** (Yemen) said that investment in local capacities was crucial and that the engagement of local NGOs and community-based organizations should be more inclusive. In addition, an efficient monitoring and evaluation system was indispensable for planning and implementing programmes. Lastly, cash-based assistance, although a very useful tool for humanitarian assistance, was problematic in Yemen and other countries in similar situations, where the collapse of the banking system made it impossible to transfer money to the persons concerned.

22. **Ms. Clements** (Deputy High Commissioner) said that she wished to thank Executive Committee members, in particular the United States, and the main bilateral donors for the considerable unearmarked funds that they contributed. With regard to refugee participation, UNHCR had put in place real-time feedback mechanisms on operations and had carried out work on electronic identity documents. UNHCR had launched a substantial operation in Jordan which made use of text messages in order to inform refugees and other concerned persons of programme and assistance changes, for example. That technique enabled UNHCR to know what exactly was being delivered and when. In response to the question on prioritization and transparency raised by the representative of Sweden, she said that UNHCR tried to be absolutely transparent, in particular in terms of its documentation. The Advisory Committee on Administrative and Budgetary Questions, to which UNHCR had provided additional detail in terms of the breakdown of its expenditure and the like, had particularly commended it in that regard. She said that 86 per cent of UNHCR's resources were earmarked for specific purposes and that the 14 per cent of funds that were not earmarked or had limited earmarking were allocated as a matter of priority to operations that were desperately short of resources. UNHCR had sought to engage in a dynamic conversation with its donors and would seek at future meetings to provide more details on how priority decisions were made. The amount of financial assistance provided varied each week. When it increased, UNHCR enjoyed greater flexibility and was able to favour a particular subregion. When it fell, it had to prioritize. Welcoming the comment made by the representative of Yemen concerning cash assistance, she said that UNHCR should establish monitoring mechanisms to ensure that money was effectively spent to support the people it was serving. She highlighted the importance of partnerships, in particular those forged with NGOs and persons acting in the field. UNHCR undertook to improve communication with partners and hoped to raise resources from the private sector, which had a key role.

Draft general decision on administrative, financial and programme matters
(A/AC.96/1169, annex VI)

23. **Ms. Duong** (Rapporteur) said that she wished to draw the attention of delegations to paragraph (a) of the draft general decision on administrative, financial and programme matters (A/AC.96/1169, annex VI), which contained a proposal to approve the revised programmes and budgets for regional programmes, global programmes and headquarters for 2017, which amounted to US$ 7,763,257,254. She also drew attention to paragraph (c) of the draft general decision, in which it was proposed to approve the programmes and budgets for regional programmes, global programmes and headquarters for 2018 and 2019, which amounted to US$ 7,508,414,121 and US$ 7,352,322,813, respectively. Furthermore, the draft decision also authorized the High Commissioner, in the case of additional emergency needs that could not be met fully from the operational reserve, to create supplementary budgets and issue special appeals.

24. **The Chairperson** said that she took it that the Executive Committee wished to adopt the draft biennial programme and budget 2018–2019, as contained in the draft general decision.

It was so decided.

Review of the annual consultations with non-governmental organizations

25. **Ms. Criswell** (Rapporteur of the annual consultations with non-governmental organizations) said that the annual consultations with non-governmental organizations held in June 2017 had brought together 480 representatives from almost 250 organizations. On that occasion, several recommendations had been made regarding the New York Declaration. They included 40 recommendations to States, UNHCR and civil society regarding implementation of the comprehensive refugee response framework, of which 31 were being submitted to the database of good practice created by UNHCR for that purpose. Three core themes were reflected in those recommendations. First, the focus should be on the persons who were directly concerned, namely children, youth and women, who accounted for the majority of refugees. All stakeholders should foster social cohesion, make it easier to integrate refugees into the labour market and minimize the environmental impact of large movements of people. Countries of origin needed to integrate returning refugees into national service provision plans (for example, education and health care). In addition, it was necessary to apply the principle of burden and responsibility sharing with appropriate funding, to facilitate resettlement, to respond to the actual needs of refugees, host communities and host States and to be independent of political shifts. Secondly, the role of refugees should be strengthened and they should be involved in decision-making. To that end, they must be made aware of the comprehensive refugee response framework and helped to understand its content. The participation of regional mechanisms had also been addressed during the annual consultations and there had been detailed discussions on the Intergovernmental Authority on Development (IGAD) summit on Somali refugees, the Uganda Solidarity Summit on Refugees and the Brazil Plan of Action. Thirdly, refugee protection should be strengthened and, in that connection, respect for the principle of non-refoulement must be accorded paramount importance. To that end, all stakeholders should provide access for refugees to humanitarian assistance, including access to legal identity, work, family reunification, education and health, foster the protection, promotion and implementation of the human rights of children, strengthen cross-border coordination and cooperation and address the multiple causes of displacement, taking into account the Paris Agreement, the Sendai Framework for Disaster Risk Reduction, the Sustainable Development Goals and the Nansen Initiative. In addition, a joint strategy should be adopted on the global compact on refugees and the global compact on migration. Lastly, States and partners should collaborate to provide solutions for internally displaced persons.

26. **Ms. Finerty** (United States of America) stressed the importance of partnerships between UNHCR and NGOs and pointed out that her delegation included two NGOs. She welcomed the interest shown by civil society in contributing to the implementation of the comprehensive refugee response framework and the development of the global compact on refugees. In her view, it was also necessary to empower refugees as decision makers and to ensure that society as a whole and all stakeholders fully understood the comprehensive action framework.

27. **Mr. Avognon** (Chairperson of the UNHCR Staff Council) said that he welcomed the fact that UNHCR was fulfilling its duty of care towards its personnel, in particular those working in unstable regions. The security and well-being of UNHCR personnel was the number one priority for the Staff Council. The Staff Council was concerned that the new recruitment and assignments policy did not offer enough safeguards for the career development of staff and it called for the establishment of a mechanism to monitor the implementation of that policy. With regard to contracts, a new policy should be adopted that took into account the aspirations of staff for stability and job security, while adjusting the workforce to the needs of the organization. Regarding conditions of service, the Council recalled that 82 per cent of UNHCR staff worked in dangerous and remote areas. Staff members questioned the integrity of the International Civil Service Commission (ICSC), which seemed increasingly to limit their rights, weaken their conditions of service and lack transparency in its decision-making processes. By way of example, it would appear that ICSC had deliberately manipulated the findings of a salary survey with a view to recommending a reduction in pay. Such lack of transparency had an impact on staff morale. In fact, 53 per cent of staff experienced stress and anxiety at the workplace, which resulted in lost working days representing a cost of $11 million a day, an amount that far exceeded

the small savings that ICSC was trying to make by eroding the conditions of service of UNHCR personnel.

The meeting rose at 5.50 p.m.